IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1441 OF 2005
IN
SUIT NO.2877 OF 2005

Tikamdas Tarachand Manwani Plaintiff

versus

Prudente Damiao Crasto Defendant

and

B.P.Parikh and another Respondent

Mr.Yogesh Thakar i/by L.J.Law for plaintiff.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 5th June 2006

PC :

1. Perused the Chamber Summons and the affidavit in support together with the plaint in the Suit No.2877 of 2005.

2. From a perusal of these materials, it is clear that during the course of hearing of Notice of Motion No.3151 of 2005 a statement was made by the original defendant that the suit property is already transferred in favour of respondents

under a Deed of Assignment-cum- Conveyance, which is alleged to have been executed on 10th October 2005. These events are subsequent to the filing of present suit. Consequently, the plaintiff desire amendment of the plaint to bring these facts on record. He also seeks joinder of the parties to this Deed of Assignment/Conveyance allegedly executed. Chamber Summons is duly served on the defendants as well as respondents. Affidavits proving service are filed. None appears although name of defendant and plaintiff with their advocates appears on board.

3. No prejudice would be caused if this Chamber Summons is granted for complete and effective resolution of the controversy. It is accordingly made absolute in terms of prayer clauses (a) and (b). Amendment to be carried out within a period of four weeks from today. As far as other reliefs are concerned, upon impleadment of the respondents and amendment to the pleadings, it would be open for the plaintiffs to seek appropriate reliefs in the pending Notice of Motion.

(S.C.DHARMADHIKARI, J.)